

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**

9 EASTERN DISTRICT OF CALIFORNIA

10
11 JOSE ESCOBEDO,

12 Plaintiff,

13 v.

14 CLOVIS TIRE & WHEEL DEALERS INC.,
et al.,

15 Defendants.

16 Case No. 1:23-cv-01170-SAB

17 ORDER GRANTING MOTION TO
CONTINUE MANDATORY SCHEDULING
CONFERENCE AND EXTENDING
DEADLINE TO COMPLETE SERVICE

18 (ECF Nos. 4, 5)

19 Plaintiff filed this action on August 4, 2023. An initial scheduling conference is currently
20 set for November 16, 2023. (ECF No. 4.)

21 On October 26, 2023, Plaintiff filed a motion to continue the scheduling conference, and
22 requesting the deadline to complete service be extended. (ECF No. 5.) Specifically, Plaintiff
23 proffers that Plaintiff has diligently pursued completing service; that Plaintiff has been unable to
24 complete service on Defendant Asim Ali; and that Plaintiff has completed substitute service on
25 Defendant Clovis Tire & Wheel Dealers, Inc., but is additionally attempting service in another
26 manner out of an abundance of caution to ensure service and notice is sufficient. Plaintiff
requests the scheduling conference be continued to a date on or after January 15, 2023, and that
the deadline to complete service be extended until December 15, 2023.

27 Rule 4(m) provides that: “If a defendant is not served within 90 days after the complaint
28 is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action

1 without prejudice against that defendant or order that service be made within a specified time.”
2 Fed. R. Civ. P. 4(m). “But if the plaintiff shows good cause for the failure, the court must extend
3 the time for service for an appropriate period.” Id. Here, the Court finds good cause to extend
4 the deadline to effectuate service, and finds good cause to grant the request to continue the
5 mandatory scheduling conference to accommodate the extension. Fed. R. Civ. P 4(m); Fed. R.
6 Civ. P. 16(b).

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. Plaintiff’s motion to continue the scheduling conference and for an extension of
9 time to complete service (ECF No. 5) is GRANTED;
- 10 2. The deadline for Plaintiff to complete service on Defendants is extended to
December 15, 2023;
- 11 3. The scheduling conference currently set for November 16, 2023, is CONTINUED
12 to **January 24, 2024**, at **11:30 a.m.** in **Courtroom 9**; and
- 13 4. The parties shall file a joint scheduling report **seven (7) days** prior to the
14 scheduling conference.

16 IT IS SO ORDERED.

17 Dated: October 26, 2023



18 UNITED STATES MAGISTRATE JUDGE

19
20
21
22
23
24
25
26
27
28